

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
First Regular Session
2011

CHAPTER 241

SENATE BILL 1474

AN ACT

AMENDING SECTIONS 33-1324, 33-1341 AND 33-1363, ARIZONA REVISED STATUTES;
RELATING TO THE ARIZONA RESIDENTIAL LANDLORD AND TENANT ACT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1324, Arizona Revised Statutes, is amended to
3 read:

4 33-1324. Landlord to maintain fit premises

5 A. The landlord shall:

6 1. Comply with the requirements of applicable building codes
7 materially affecting health and safety AS PRESCRIBED IN SECTION 9-1303.

8 2. Make all repairs and do whatever is necessary to put and keep the
9 premises in a fit and habitable condition.

10 3. Keep all common areas of the premises in a clean and safe
11 condition.

12 4. Maintain in good and safe working order and condition all
13 electrical, plumbing, sanitary, heating, ventilating, air-conditioning and
14 other facilities and appliances, including elevators, supplied or required to
15 be supplied by him.

16 5. Provide and maintain appropriate receptacles and conveniences for
17 the removal of ashes, garbage, rubbish and other waste incidental to the
18 occupancy of the dwelling unit and arrange for their removal.

19 6. Supply running water and reasonable amounts of hot water at all
20 times, reasonable heat and reasonable air-conditioning or cooling where such
21 units are installed and offered, when required by seasonal weather
22 conditions, except where the building that includes the dwelling unit is not
23 required by law to be equipped for that purpose or the dwelling unit is so
24 constructed that heat, air-conditioning, cooling or hot water is generated by
25 an installation within the exclusive control of the tenant and supplied by a
26 direct public utility connection.

27 B. If the duty imposed by subsection A, paragraph 1 of this section is
28 greater than any duty imposed by any other paragraph of this section, the
29 landlord's duty shall be determined by reference to that paragraph.

30 C. The landlord and tenant of a single family residence may agree in
31 writing, supported by adequate consideration, that the tenant perform the
32 landlord's duties specified in subsection A, paragraphs 5 and 6 of this
33 section, and also specified repairs, maintenance tasks, alterations and
34 remodeling, but only if the transaction is entered into in good faith, not
35 for the purpose of evading the obligations of the landlord and the work is
36 not necessary to cure noncompliance with subsection A, paragraphs 1 and 2 of
37 this section.

38 D. The landlord and tenant of any dwelling unit other than a single
39 family residence may agree that the tenant is to perform specified repairs,
40 maintenance tasks, alterations or remodeling only if:

41 1. The agreement of the parties is entered into in good faith and not
42 for the purpose of evading the obligations of the landlord and is set forth
43 in a separate writing signed by the parties and supported by adequate
44 consideration.

45 2. The work is not necessary to cure noncompliance with subsection A,
46 paragraphs 1 and 2 of this section.

1 3. The agreement does not diminish or affect the obligation of the
2 landlord to other tenants in the premises.

3 Sec. 2. Section 33-1341, Arizona Revised Statutes, is amended to read:
4 33-1341. Tenant to maintain dwelling unit

5 The tenant shall:

6 1. Comply with all obligations primarily imposed upon tenants by
7 applicable provisions of building codes materially affecting health and
8 safety.

9 2. Keep that part of the premises that he occupies and uses as clean
10 and safe as the condition of the premises permit.

11 3. Dispose from his dwelling unit all ashes, rubbish, garbage and
12 other waste in a clean and safe manner.

13 4. Keep all plumbing fixtures in the dwelling unit or used by the
14 tenant as clean as their condition permits.

15 5. Use in a reasonable manner all electrical, plumbing, sanitary,
16 heating, ventilating, air-conditioning and other facilities and appliances
17 including elevators in the premises.

18 6. Not deliberately or negligently destroy, deface, damage, impair or
19 remove any part of the premises or knowingly permit any person to do so.

20 7. Conduct himself and require other persons on the premises with his
21 consent to conduct themselves in a manner that will not disturb his
22 neighbors' peaceful enjoyment of the premises.

23 8. ~~The tenant shall~~ PROMPTLY notify the landlord IN WRITING of any
24 situation or occurrence that requires the landlord to provide maintenance,
25 OR make repairs or otherwise requires the landlord to take action as
26 prescribed in section 33-1324.

27 Sec. 3. Section 33-1363, Arizona Revised Statutes, is amended to read:
28 33-1363. Self-help for minor defects

29 A. If the landlord fails to comply with section 33-1324, and the
30 reasonable cost of compliance is less than three hundred dollars, or an
31 amount equal to one-half of the monthly rent, whichever amount is greater,
32 the tenant may recover damages for the breach under section 33-1361,
33 subsection B, or may notify the landlord of the tenant's intention to correct
34 the condition at the landlord's expense. After being notified by the tenant
35 in writing, if the landlord fails to comply within ten days or as promptly
36 thereafter as conditions require in case of emergency, the tenant may cause
37 the work to be done by a licensed contractor and, after submitting to the
38 landlord an itemized statement and a waiver of lien, deduct from his rent the
39 actual and reasonable cost of the work, not exceeding the amount specified in
40 this subsection.

41 B. A tenant may not repair at the landlord's expense if the condition
42 was caused by the deliberate or negligent act or omission of the tenant, a
43 member of the tenant's family or other person on the premises with the
44 tenant's consent OR IF THE CONDITION REPAIRED DOES NOT CONSTITUTE A BREACH OF
45 THE FIT AND HABITABLE CONDITION OF THE PREMISES.

~~APPROVED BY THE GOVERNOR APRIL 25, 2011.~~

~~FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 25, 2011.~~

Passed the House April 14, 2011,

by the following vote: 41 Ayes,

15 Nays, 4 Not Voting

[Signature]
Speaker of the House

Cheryl Laube
Chief Clerk of the House

Passed the Senate March 3, 2011,

by the following vote: 21 Ayes,

9 Nays, + Not Voting

[Signature]
President of the Senate

Charmaine Bellington
Secretary of the Senate

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR~~

~~This Bill was received by the Governor this~~

~~_____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary to the Governor~~

~~Approved this _____ day of~~

~~_____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Governor of Arizona~~

S.B. 1474

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State~~

~~this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 18, 20 11

by the following vote: 23 Ayes,

6 Nays, 1 Not Voting

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill received by the Governor this

18 day of April, 20 11

at 2:45 o'clock P. M.

[Signature]
Secretary to the Governor

Approved this 25th day of

April

at 12:56 o'clock P. M.

[Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this 25th day of April, 20 11

S.B. 1474

at 2:45 o'clock P. M.

[Signature]
Secretary of State